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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,522	06/21/2001	Hans Artmann	10191/1894	6400

7590 01/14/2004  
KENYON & KENYON  
One Broadway  
New York, NY 10004

EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Applicati n N .

09/886,522

Applicant(s)

ARTMANN ET AL.

Examiner

Alicia Chevalier

Art Unit

1772

-- The MAILING DATE of this c mmunication appears on the c ver sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **RESPONSE TO AMENDMENT**

### ***Request for Continued Examination***

1. The Request for Continued Examination (RCE) under 37 CFR 1.53 (d) in paper #13, filed on October 24, 2003 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 1-8 and 10-15 are pending in the application, claims 9 and 16-24 are cancelled.
3. Amendments to claims in paper #14, filed on October 24, 2003, have been entered in the above-identified application.

### ***WITHDRAWN REJECTIONS***

4. The objections to the claims, made of record in paper #10, mailed July 14, 2003, pages 2-3, paragraphs #5 and #6 have been withdrawn due to Applicant's amendment in paper #14.
5. The 35 U.S.C. §102 rejection of claims 1-8, 10, 13 and 14 over Bantien (US Patent No. 5,259,247), made of record in paper #10, page 3, paragraph #7 has been withdrawn due to Applicant's amendment in paper #14.
6. The 35 U.S.C. §103 rejection of claims 11, 12 and 15 as over Bantien (US Patent No. 5,259,247) in view of Fujii (US Patent No. 4,975,390), made of record in paper #10, pages 4-5, paragraph #9 has been withdrawn due to Applicant's amendment in paper #14.

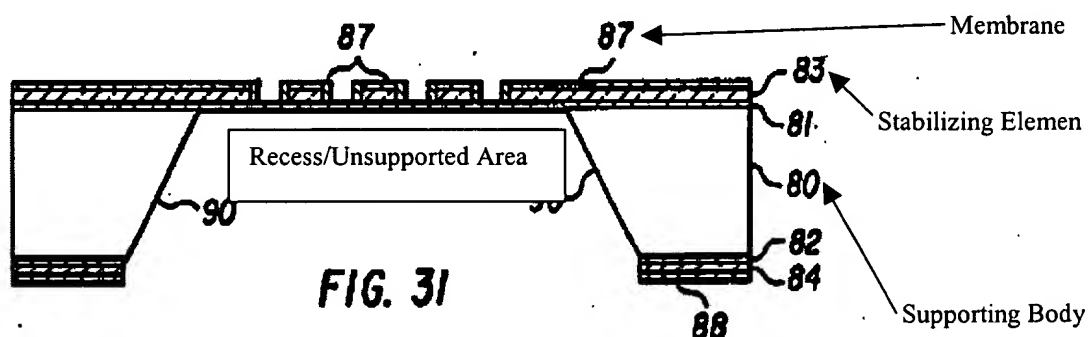
**NEW REJECTIONS**

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claim Rejections - 35 USC § 102**

8. Claims 1-8, 10, 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Guckel et al. (U.S. Patent No. 4,897,360).

Regarding Applicant's claims 1 and 2, Guckel discloses polysilicon thin films (*title*) useful as micromechanical pressure sensors (*col. 1, lines 18-19*). The films structure comprises a supporting body (*reference #80 in figure 31*), a partially unsupported membrane (*reference #87 in figure 31*) connected to the supporting body and a stabilizing element (*reference #83 in figure 31*) provided in an unsupported area on some areas of a surface of the membrane. The membrane extends continuous over an entire recess in the supporting body (*figure 31*). A portion of the stabilizing element contacts only the membrane for a part less than a whole length of the recess of the membrane and a portion of the stabilizing element is positioned between the supporting body and the membrane.



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Regarding Applicant's claims 3 and 4, the limitations "the at least one stabilizing element is configured to countereact a deformation of the at least one membrane" and "the deformation includes ..." are functional limitations and while Guckel does not disclose the stabilizing element doing so, it is capable of doing so with no alteration of its structure.

*SMW* Therefore, <sup>*the*</sup> limitations of claims 3 and 4 are deemed to be ~~an~~ inherent characteristic<sup>s</sup> of the prior art since the prior art is substantially identical in composition and/or structure. MPEP § 2183.

Regarding Applicant's claims 5 and 6, Guckel shows in figures 31 and 35 that the stabilizing element is a web and has a stabilizing surface in corner areas of the membrane.

Regarding Applicant's claims 7 and 8, figure 31 shows that the stabilizing element is arranged on one side of the membrane facing the supporting body and is in direct contact with the membrane and bonded thereto in at least some areas in the unsupported area.

Regarding Applicant's claim 10, Guckel discloses that the supporting body includes a silicon body (*col. 14, line 4*).

Regarding Applicant's claims 13 and 14, it is well known that micromechanical pressure sensors contain circuit structures with sensitive components. Therefore, the limitations of claims 13 and 14 are inherent in the Guckel micromechanical pressure sensors.

Regarding Applicant's claim 15, Guckel discloses that the stabilizing element is 2 microns thick (*col. 12, lines 60-61*).

### ***Claim Rejections - 35 USC § 103***

9. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guckel et al. (U.S. Patent No. 4,897,360).

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Guckel is relied upon as described above. Guckel further discloses that the membrane is a silicon compound such as silicon nitride (*col. 14, line 15*).

Guckel fails to disclose the thickness of the membrane.

It is deemed a matter of optimization via routine experimentation of layer sizes to employ a membrane with the thickness in Applicant's claim 11 when making the polysilicon thin films of Guckel. The thickness of the membrane used would affect the etching patterns and is, therefore, a result effective variable. See MPEP 2144.05.

#### ***ANSWERS TO APPLICANT'S ARGUMENTS***

10. Applicant's arguments in paper #14 regarding the previous 35 U.S.C. 102 and 103 rejections of record have been considered but are moot since the rejections have been withdrawn.

#### ***Conclusion***

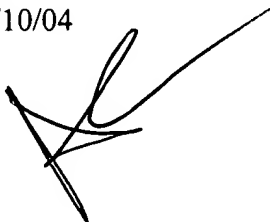
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays


If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Harold Pyon can be reached by dialing (571) 272-1498. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (571) 272-0987.

ac

1/10/04



  
**SANDRA M. NOLAN**  
**PRIMARY EXAMINER**  
1-12-04